

REMARKS

Claims 3 and 8 have been canceled. Claims 2 and 7, and amended claims 1, 4-6, 9, and 10 are in this application.

Claims 5 and 10 were objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 10 have been rewritten herein to include features of independent claims 1 and 6, respectively. There were no intervening claims. Also, the phrase "the time value" appearing in line 13 of claim 1 was changed to "a time value."

Accordingly, it is believed that that claims 5 and 10 are allowable.

Claims 1 and 6 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,891,838 to Petite et al.

Independent claim 1, as presented herein, recites in part the following:

"time control means for controlling said cooling fan according to a first time value based on a start of a previous commencement of a time communication and a start of a present commencement of a time communication by said communication means and a second time value based on an end of the previous commencement of a time communication and the start of the present commencement of a time communication by said communication means," (Emphasis added.)

In explaining the above 102 rejection with regard to claim 1, the Examiner appears to rely on line 52 of column 13 to line 8 of column 14 of Petite to disclose the time control means of claim 1. It is respectfully submitted that such portion of Petite does not appear to disclose the time control means of

amended claim 1. In particular, such portion of Petite does not appear to disclose time control means "for controlling said cooling fan according to a first time value based on a start of a previous commencement . . . and a start of a present commencement . . . and a second time value based on an end of the previous commencement . . . and the start of the present commencement. . . . "

Accordingly, for at least the above-described reasons, it is respectfully requested that the above rejection of claim 1 be withdrawn. For similar or somewhat similar reasons, it is also respectfully requested that the above rejection of claim 6 be withdrawn.

Claims 2-4 and 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Petite et al. as applied to claims 1 and 6 above, and further in view of the Examiner taking Official Notice.

As previously indicated, claims 3 and 8 have been canceled. Claims 2, 4, 7, and 9 are dependent from one of independent claims 1 or 6. As such, claims 2, 4, 7, and 9 are believed to be distinguishable from Petite as applied by the Examiner for at least the reasons discussed above.

Further, it is believed to be impermissible for the Examiner to fail to cite a reference or references which specifically disclose(s) the features of claims 2, 4, 7, and 9. Therefore, it is respectfully requested that the Examiner provide a reference or references which disclose(s) the features of claims 2, 4, 7, and 9 if the above 103 rejection is maintained.

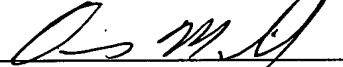
As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If,

however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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